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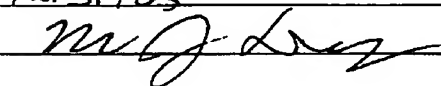
DEC 31 2005

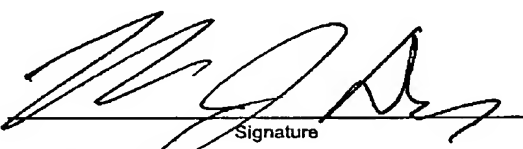
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 075834.00415	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>12/31/05</u> Signature <u></u> Typed or printed name <u>Robert J. Depke</u>		Application Number 10/618,415	Filed July 11, 2003
		First Named Inventor Akihiro Horii	
		Art Unit 1774	Examiner Betelhem Shewareged
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided. I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,607</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*. <input type="checkbox"/> *Total of _____ forms are submitted.			



Signature
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Typed or printed name
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Telephone number
12/31/05

Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/618,415 Confirmation No.: 7072
Applicants: Akihiro Horii et al.
Filed: July 11, 2003
TC/A.U.: 1774
Examiner: Betelhem Shewareged
Docket No.: 075834.00415
Customer No.: 33448

PRE-APPEAL BRIEF REQUEST FOR REVIEW ACCOMPANYING

NOTICE OF APPEAL

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S I R:

ERRORS IN THE PRIOR REJECTION

Consistent with the Review Requirements for identification of clear errors,

Applicants note the following:

- I. The prior art fails to either teach or suggest an image receiver sheet being provided with a cut in a direction substantially perpendicular to a feed/eject direction for a paper sheet of the image receiver material in a printer, and with a stress relaxing means formed adjacent said cut in said feed/eject direction. The reference also fails to teach or suggest the further limitations upon the stress relaxing means in the dependent claims.

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REMARKS

A. The Prior Art Rejection Is Improper

Applicants respectfully request reconsideration of the Examiner's rejection of claims 1 - 11 under 35 U.S.C. §103(a). Examiner has rejected these claims in view of the cited prior art reference of *Takada et al.* (Japanese Patent Publication No. 10-250240).

Under Section 2143 of the MPEP, in order to establish a prima facie case of obviousness, the Examiner must meet three basic criteria. "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." *MPEP §2143 rev. 3* (August, 2005). Applicants' assert that the Examiner has failed to establish a prima facie case of obviousness for at least the reason that the prior art reference fails to teach or suggest all of the claim limitations.

In the last two Office Actions, the Examiner has stated that *Takada* discloses Applicant's invention in the English Abstract and in Paragraph [0004] of the electronic translation. Paragraph [0004] merely discloses that a cutting process produces sheets of labels, and a half cutting process is performed in order to form the labels on each sheet of paper. However, nothing in *Takada* teaches or suggests the insertion of a "stress-relaxing

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means" in a paper-feed direction in order to reduce the occurrence of the label releasing from the label sheet during printing in advance of the half cut.

As described in the instant specification at page 9, Fig. 1 depicts a plan view of a sheet for thermal transfer recording 1, as typical of an image receiver material of the present invention. On a surface of the sheet for thermal transfer recording 1 towards a dye receiver layer 6, a half cut 9 is formed to a rectangular profile to permit an image receiver sheet to be peeled off to a rectangular shape. In a portion of the half-cut 9, lying in a direction 11 substantially perpendicular to the direction of feeding and ejecting the sheet in a printer, a dummy half-cut 10 is provided, as a stress relieving portion, at least ahead of a half-cut 12 and substantially parallel to the half-cut 12.

The layered structure of the sheet for thermal transfer recording 1 includes a separator 4, made up by a release sheet base material 2 and a layer of a releasing agent 3, provided on one side of the release sheet base material 2, and an image receiver sheet 7, releasably layered on the separator 4 (Fig. 2). Also, see for example, Figure 3 of the instant application which shows a label formed between two cuts 12, and a stress-relaxing means (here, a dummy-cut) 10 formed ahead of the label in the feed direction of the printer in order to reduce the stress imposed on the label in order to prevent it from being unintentionally released. As a result of the decrease of stress imposed on the label, the chances of the label releasing from the label sheet during printing and causing problems with the printer are substantially reduced.

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Nothing in *Takada* teaches or suggests the use of a stress relaxing means formed adjacent to a cut for releasing the label being printed in a feed direction in order to reduce the occurrence of the label lifting off of the sheet and gumming up the printer. There is simply no teaching of suggestion whatsoever regarding the specified stress relief structure adjacent to the releasing cut. Rather, *Takada* merely discloses a dye thermal transfer receiving sheet wherein the retaining force of an adhesive layer is such that there is caused no deviation after a lapse of 24 hours, and the compression modulus of elasticity of the separating sheet base is 1800kg/cm² or less for a thickness of 100um and the sum of the compression modulus of elasticity of the receiving sheet base for a thickness of 100um and the compression modulus of elasticity of the separating sheet base for a thickness of 100um is 2,800 kg/cm² or less. (See paragraphs [0007] and [0008] and the Solution of the Invention section). More specifically, *Takada* is merely directed to a particular method of attaching the separating sheet and the receiving sheet.

In specific regard to dependent claims 8 – 11, Applicants submit that the *Takada* reference further fails to disclose a stress-relaxing means formed adjacent a cut of a label to be printed in the feed direction of the label sheet, wherein the stress-relaxing means is a dummy half-cut, is a dummy quarter-cut, is a plurality of perforations, or is a skim.

Since nothing in the cited prior art of reference teaches or suggests Applicants' novel use of a stress-relaxing means, formed adjacent a cut of a label to be printed in the


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feed direction of the label sheet, Applicants respectfully request that the 35 U.S.C. §103 rejection be withdrawn, and all remaining claims placed in condition for allowance.

Respectfully submitted,

Date:

12/31/05


Robert J. Depke

(Reg. #37,607)

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